

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA

09 MAR 19 AM 11:56

"Amended Complaint" 4:09-cv-0036-JED"

Inmate Identification Number: AIS # 187839

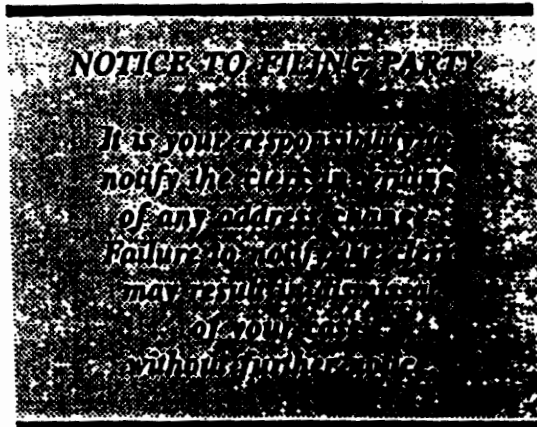
Picky Earl Stewart

(Enter above the full name(s) of the plaintiff(s)
in this action)

vs.

Etawah Co. Detention Center
(Chief of Corrections) - Scott Hassell
Etawah Co. Sheriff's Office

Todd F. ARIKIN, AND all operating officers
(Enter above full name(s) of the defendant(s)
in this action)



I. Previous lawsuits

A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment?
Yes () No (X)

B. If your answer to (A) is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s):

Defendant(s):

N/A

2. Court (if Federal Court, name the district; if State Court, name the county)

N/A

3. Docket number

N/A

4. Name of judge to whom case was assigned

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit

7. Approximate date of disposition

N/A

II. Place of present confinement

Etawah Co. Detention Center

- A. Is there a prisoner grievance procedure in this institution?

Yes (☒)

No ()

- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes (☒)

No ()

- C. If your answer is YES:

1. What steps did you take?

Normal procedure steps through the officers in charge.

2. What was the result?

Total disregard and no response and refusal of a copy given to me.

- D. If your answer is NO, explain why not?

III. Parties

In item (A) below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) Ricky Earl Stewart

Address Etawah Co. Detention Center

In item (B) below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item (C) for the names, positions, and places of employment of any additional defendants.

B. Defendant Scott Hassell

is employed as Chief of Corrections

at Etawah County Detention Center

C. Additional Defendants Etawah County Sheriff Todd Entrikin
AND all Etawah Co. Detention Center operating
officers in their individual capacity.

IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

On December 9th 2006 I was placed in the
custody of Etawah County Detention Center. During the
month of February 2007 I was placed in the
E.C.D.C. S.A.P.P program, it is a 16 wk. program

I ended up doing 24 weeks, during that time, chief Scott Hassell who directly oversees the program let other inmates rule and govern over me, he let inmates (interns) write behavioral warning and recommendations concerning my case and sentencing and send them to my judge (Allen Millican).

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like punitive damages AND monetary damages AND to be compensated for any ~~and damages done to me~~ and all damages done to me. Also any financial relief that I may be entitled to. And for Scott Hassell and Todd Entrekin be removed from authority and office to assure that they cannot ever impose the cruelty they made me endure on another human being.
 "I declare under penalty of perjury that the foregoing is true and correct."

Executed on 3-6-2009

Dee Earl Stewart
 Signature(s)

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During February AND July 2007 several times I was made to clean Dog urine and feces up or be written up or possibly terminated from the SAPP program.

Also during May thru July he made me sleep under the stairs while other inmates were in pods on beds (racks) while I was on a portable camping cot. In this program you could not dose off (sleep) or it was a ticket and 4 got you terminated, we had to get up at 5:00 AM and could not lay down or sleep until 8:30 or 9:00 PM. while I was under the stairs dust would constantly fall on me, occasionally ~~someone~~ someone would spill something on me and I could not get no rest ~~or~~ or sleep with the inmate worker who were housed in the same unit were running up and down the stairs all hour of the night and other inmate going to and fro ~~from~~ from the restroom. While I was under the stairs I was in the dayroom area and Scott Hassell was routinley bringing visitors to the jail to get exposer or to brood on his SAPP program, especially schools; teenagers and their teachers, community corrections officers, etc. He would humiliate me by telling these people I had a drug and alcohol problem as well as a behavioral problem.

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Also during the months of ~~February 2007~~ February 2007 and July 2007 an incident happened that he made (Scott Russell) me do as well as the whole S.A.P.P program participate in that we should never have had the right or authority to do. He said he was tired of messing with Russell Raughn And he had two choices, one let Russell restart the program or - two send him to prison, the he said he had a better idea; he would let us decide And then he made us all make a vote on a list And if we refused is was considered not participating in the program and probable cause for him to terminate us and send us to prison.

During the 25 months I was incarcerated at F.C.D.C. they fed me like I was less than an human. There was minimal portions, sometime beans or beets twice A day, There was rarely ~~any~~ meat AND if there was it was maybe ONCE A week AND for About 3 months in a row they fed me ruined hot links for breakfast, sometimes raw chicken for dinner. For the time I spent in the F.C.D.C. I was deprived of vitamins and proteins that my body required to maintain a healthy physical condition.

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After I graduated SAPP I was moved back to unit #4 in E.C.D.C. where it is a lock down felony unit. I was made to live in a 8x12 ft. cell that was originally made for one man, then they added 2 bunks AND on top of that they put a bunk (portable bed) in the floor in the cell, there was hardly enough room to even move, I lived in that cell like that which was way overcrowded AND three people using the same toilet with poor ventilation from July 2007 until late September or early October 2007. During the time I was in that cell we were locked in the cell at the least 21 hours of the day, sometimes more, according to how the officer felt. During the 1-3 hour a day I was let out it was for 45 min. or 1 hour at a time and during that time (45 min) 70 inmates had to shower and shave during that time frame and there were only 5 to 6 shower heads working at a time.

During the months I was in Unit 4 I was a witness ~~in~~ to an incident that involved a man (Ben Sykes) who committed suicide. About 1 hour before he committed ~~suicide~~ suicide I was in the pill call line and over heard Ben ~~to~~ ask officer Roe was medical coming to get him.

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because he was going to hurt himself AND he had just come from medical on suicide watch and hadn't even gotten in a cell yet. And officer Roe replied, "just get your shit and go to your cell." An hour later he was dead AND that evening the A.B.I. came to investigate AND I told the officers I was a witness AND needed to talk to the A.B.I. AND I WAS NOT ALLOWED to talk with them and was locked down in my cell. Not only was it morally wrong what they did to him and his family AND not letting me tell what I knew about the incident, it caused me depression, anxiety, and emotional stress and damage.

During the time I was incarcerated at E.C.D.C. I was under the care of a ~~phs~~ psychiatrist (Dr. Shehi) AND was ~~prescribed~~ prescribed psychotropic medications, after about 14 or 15 months my medication was not having any effect on me or treating my medical problems. I notified the medical staff through request slips and verbally AND continually asked ~~to~~ to see the physc. doctor AND ~~was~~ I WAS completely disregarded. The medical staff, as well as Dr. Shehi was totally aware that I have a medical history pertaining to mental illness, and nothing was done to help me AND I quit taking the meds because of the side effects they were ~~causing~~ causing. (see Page 9 for violation)

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Around the end of September 2008 or the early part of October 2008 Chief Hessel moved the SAPP program from unit 6 to unit 8 and moved low custody inmates from unit 4 to unit 6 AND I was one of the inmates who moved to unit 6. While I was in unit 6 I was moved into what F.C.D.C. calls "pods", they were designed for 8 men, they crammed 14 men in some and sometimes would add two portable beds that lay on the floor; they call them "boats" there was absolutely not adequate square footage per inmate in these pods. These pods had locked doors on them and there was no plumbing at all in them, there was neither a toilet or sink inside. The officers and sergeants saying they were acting on orders from Chief Scott Hessel would lock all the inmates inside their assigned pods at 10:00 pm sometimes 9:00 pm and everytime he (Scott Hessel) would have churches or recovery meetings (which there was some kind of activity ~~event~~ everyday of the week). The officers were suppose to ~~lock~~ unlock the doors to let us use the restroom every hour, but they did not, it was when ever they felt like it which sometimes could be 2 to 3 hours or from 10:00 pm until pill call which was around 4:30 am or 5:00 am. From the time I was moved into unit 6 until I was transported to Kilby. C.F. I had to urinate in empty soda bottles every single night. I have an overactive bladder and would have to hold my urine until the

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pain became unbearable and I was left with no other choice except to urinate in my pants, the floor, or some kind of empty bottle. On New Years Night of 2009 officer Morgan locked me in the pod at 10:00 pm; said it was per. Chief Hassell. That night I had diarrhea ~~because~~ because of something I had eat, Morgan refused to let me out as well as other inmates and he laughed and told us to use it in our pants or the floor and to live in it. That night I couldn't hold my bowels any longer because of diarrhea and I soiled my clothes. I was not allowed to change clothes or shower until free time the next day which was around 8:00am or 9:00am. Also other inmates had to urinate in the floor and I had to smell it and walk in it.

On May the 5th 2008 I was sentenced to a 20yrs split, serve 3yr. in the Alabama Dept. of Corrections. I was originally arrested for this charge Dec 9'2006. When I was arrested on this charge I had a pending DUI Felony and pled guilty on 1-8-07 and was sentenced to 10yr split stat, split 5yr probation. So as of May 5th 2008 I was supposed to be transferred to Alabama Dept. of Corrections within 30 days. by law. After 60 days I begin to question why I was still in the County Jail while I was a State inmate. I talked to every officer, sergeant, captain, and continually sent requests.

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Concerning why they haven't sent me to Kilby C.F. which is receiving for Ala. Dept. of Corr. I was persistent in trying to get the E.C.D.C. to get me to where I was suppose to be, because I knew my living conditions, my physical health, mental health, emotional health, and treatment in general as a human being would improve dramatically. On an average I would question the staff at least 3 to 4 times a week concerning this matter and I was given a different reason why I was still in the County every time I asked. More than several officers would give me different reasons, but on one occasion Sgt. Weston told me he couldn't say who but somebody screwed up, and that somebody dropped the ball. Even some of the officers was wondering why I was still being held in the county and other inmates who were sentenced way after me was long gone to Ala. Dept. of Corr. When my family would contact Chief Hessel to try and find out why I was still at the jail he would either tell them it was none of their business or he knew when I was going to Kilby but he wasn't at liberty to tell them or discuss it with them or he would hang up on them.

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On every one of these complaints I did fill out grievance forms And they (none) where answered or responded to. They were totally disregarded. I would ask the officer to please give me a copy and they would either tell me they couldn't do that or that they did not give or make copies of grievances. Some of the officers would be ~~some~~ sarcastic about it and say they didn't give a damn if I filled out a hundred, that ~~that~~ nothing wouldn't ~~go~~ going to happen to them, and to fill out some more the next day and if I needed more they would get me some more.

(See Attached sheet 13 of "Amended Complaint")

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I Ricky Earl Stewart state that Under the Constitution of the United States of America, my first, eighth, ~~14~~ fourteenth and Fifth Amendments have been violated under the ammendments to the constitution by Etawah County. Sherriff Todd Entrikin, Etawah County Detention Center chief of corrections Scott Hassell, And officers operating under the authority of Scott Hassell while I was incarcerated in the E.C.D.C. from Dec. 9.-2006 until Jan. 14, 2009. ~~Under~~. I am suing these persons under and by the individual capacity law.

Respectfully

Ricky Earl Stewart